

# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, January 20, 2022

**CALL TO ORDER:** Deputy Mayor Denning called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

**ROLL CALL:** Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, absent; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, absent.

Staff present was as follows: Josh Rauch, City Manager; Chris Lohr, Assistant City Manager; Tom Garrett, Finance Director; Kathy Bartlett, Public Service Director, Gary Burkholder, Community Development Director; John Freeman, Associate Law Director; and Katie Lewallen, Clerk of Council.

**EXCUSE ABSENT MEMBERS:** Ms. Lommatzsch motioned to excuse Mayor Williams and Councilwoman Fry. Mr. Maxfield seconded the motion. All were in favor. **Motion carried.**

**ADDITIONS OR CORRECTIONS TO AGENDA:** No changes were made.

**APPROVAL OF AGENDA:** Mr. Maxfield motioned to approve the agenda. Mr. Joseph seconded the motion. All were in favor. **Motion carried.**

**PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE:** Mr. Maxfield led the pledge of allegiance.

**MINUTES:** Ms. Lommatzsch motioned to approve the minutes from the January 6, 2022, council meeting. Mr. Joseph seconded the motion. All were in favor. **Motion carried.**

**WRITTEN CITIZEN PETITIONS:** Deputy Mayor Denning stated any citizens who would like to speak should fill out a petition and turn it in to the clerk. Citizen would be called up in the order of business.

## **DEPARTMENT UPDATES:**

**A) Finance Department** – Mr. Garrett stated he was still in the process of closing out 2021. All transactions for 2021 have been posted and reflected in the financial report in the packet. He has been spending a few days working on the offering statement for the \$1.4 million bond for upcoming paving projects. The income tax came in about \$100,000 under the target for the year. Deputy Mayor Denning asked if they are still using the state checkbook from the auditor's office. Mr. Garrett stated the city is enrolled, but they had a system change several months ago and he has not given them a new data update. Deputy Mayor Denning stated they are doing that to have transparency to the people. Mr. Garrett stated they can get the files to the state. Mr. Rauch stated once they finish closing out the year they will provide the state with the files. As they move forward for a new financial system, he intends on getting them something that will make it easier for staff.

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**B) Community Development Department** – Mr. Burkholder stated that the elevator modernization is going to run a few weeks behind as they are waiting for mechanical and electrical components for the update. There is a separate contractor does the update on the inside of the cab, and he is a few weeks behind as well, but all is going well with the work being done. The Kroger demo is still scheduled for the first quarter, but after checking he found that some utility work is being done so he imagines that disconnect will occur before the demo. Morris Furniture has a first coat of paint on the outside, and they were working on the inside this past week. They have the sidewalk dug out and are working with the service department on that. Regarding nuisance abatement, he has had contact with the owner and the tenant has moved out. They are working to get the vehicles removed and the sign removed or painted over. He will follow up with the owners next week to get that done; if it doesn't, then the city will issue fines. Deputy Mayor Denning asked if there was a timeline on the Morris Furniture building and when that business will open. Mr. Burkholder stated he did not. One of the delays occurred when they were working on the entrance a person supposed to do minor demolition got a little too far into the structure so they had to go back to the architect. He will check to see if they have a refined time table.

**C) Administration Department** – Mr. Lohr stated he is still working on the new electronic records management system. They are finalizing it and getting desktop clients set up. There will be a training for all staff members using that system in early February. They have already been digitizing city contracts. He sent council and staff information about new cyber security training and assessment platform they will use. If they would like to participate in the training they should set up an account. This is part of the effort to expand network security and a level of education on cyber security. He is working on researching an RFP to do a compensation study for the city to make sure Riverside is competitive with other municipalities regarding their wages in the region and state. Mr. Joseph asked what the city would do if a person clicks on a phishing link. Mr. Lohr explained that the IT will block the email when they receive it. If someone clicks on it, the IT contractor checks the vulnerability and runs virus scanning software on the computer and the network. They discussed a simulated attempt and what process IT would go through. Mr. Lohr stated that staff is pretty cautious on clicking on suspicious links. Deputy Mayor Denning asked if it was ongoing training or yearly training as he goes through the same thing on the base and if it isn't done, then they do not get access to the network. Mr. Rauch stated the idea is to setup the accounts now and run the training over the next few years. Mr. Lohr stated they have a three-year contract; there will be a different training every year to keep it fresh.

**D) City Manager Report** – Mr. Rauch stated they are working on updates to the packet so for February 3, 2022, packet there will be something more typical of what had been discussed. He is working on a project list and additional refinement to cover sheets. On February 3, he would like council to bring forward Resolution No. 22-R-2739 rather than leaving it tabled. It would make more sense for them to vote it up or down until they have a design standard. If council would like not to proceed with that legislation they can use that funding to develop a design standard. He stated they did reach out to find accident data at that location, but have not heard back from Five Rivers. He stated questions for the financial RFP were due last Friday and they received one question from a vendor. They will post that response on the website tomorrow and directly email the vendors. He is hoping to have good



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results at the end of next week and will provide an update to them in early February. Mr. Denning asked how long the MKSK survey will be open for citizen input. Mr. Burkholder stated it will be open the duration of the project. Ms. Lommatzsch stated she received from the Chamber meeting earlier that it will be open the rest of the year. Deputy Mayor Denning stated citizens need to go in there and voice their opinion.

Ms. Lommatzsch asked if they have spoken with Five Rivers about possibly sharing in the safety responsibility of the bike path crossing. Mr. Rauch stated they can ask when they contact and ask about the statistics, especially if they say there are a fair amount of accidents, they may be willing to partner on that. Deputy Mayor Denning stated there may be MVRPC funds they can get that the city can't that can be used for that. Ms. Lommatzsch stated bike paths are under MVRPC. Mr. Rauch added that they did reach out to ChoiceOne regarding about the development of a design standard and they can work on that fairly quickly so they may have something at a work session in February or March.

**PUBLIC COMMENT ON AGENDA ITEMS:** No one was present for comment.

## OLD BUSINESS

### A. ORDINANCES

- I) Ordinance No. 22-O-787 – An ordinance providing for the issuance of not to exceed \$4,900,000 Building Acquisition and Improvements Special Obligation Bond Anticipation Notes, 2022 Renewal, by the City of Riverside, Ohio in anticipation of the issuance of bonds, providing for the pledge of revenues for the payment of such notes, and declaring an emergency. (2<sup>nd</sup> reading, public hearing, adoption)**

Mrs. Franklin motioned to approve the second reading of Ordinance No. 22-O-787. Ms. Lommatzsch seconded the motion. The clerk read the ordinance by title only.

Deputy Mayor Denning opened the public hearing at 6:19 pm. No one came forward. Deputy Mayor Denning closed the public hearing at 6:20 pm.

Roll call went as follows: Mrs. Franklin, yes; Ms. Lommatzsch, yes; Mr. Denning, yes; Mr. Joseph, yes; and Mr. Maxfield, yes. **Motion carried.**

- II) Ordinance No. 22-O-788 – An ordinance providing for the issuance of not to exceed \$1,400,000 road improvement bonds, Series 2022, by the City of Riverside, Ohio and declaring an emergency. (1<sup>st</sup> reading)**

Mrs. Franklin motioned to approve the second reading of Ordinance No. 22-O-788. Mr. Maxfield seconded the motion. The clerk read the ordinance by title only.

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Riverside, OH

Deputy Mayor Denning opened the public hearing at 6:21 pm. No one came forward. Deputy Mayor Denning closed the public hearing at 6:22 pm.

Roll call went as follows: Mrs. Franklin, yes; Mr. Maxfield, yes; Mr. Denning, yes; Mr. Joseph, yes; and Ms. Lommatzsch, yes. **Motion carried.**

## NEW BUSINESS

### A. RESOLUTIONS

#### I) Resolution No. 22-R-2743 – A resolution authorizing the city manager to accept a Montgomery County Solid Waste District (MCSWD) Incentive Grant.

Mr. Rauch explained that this resolution and the next are connected to the playground improvements similar to Shellabarger, but this would be for Community Park. The first resolution authorizes the city to accept a grant that would pay for structure improvements at the park. It is a 70% grant; the city's share would be estimated at \$18,000. The second resolution authorizes them to make the purchase. He advised council they have been verbally notified they would receive the grant, but are awaiting the formal letter.

Ms. Lommatzsch motioned to approve Resolution No. 22-R-2743. Mrs. Franklin seconded the motion. All were in favor. **Motion carried.**

#### II) Resolution No. 22-R-2744 – A resolution authorizing the city manager to enter into a contract for the purchase of a new play structure and rubberized mulch through the Source Well Cooperative Bid Program for Community Park.

Ms. Lommatzsch motioned to approve Resolution No. 22-R-2744. Mrs. Franklin seconded the motion. All were in favor. **Motion carried.**

#### III) Resolution No. 22-R-2745 – A resolution by the council of the City of Riverside, Ohio advancing \$430,000 from the General Fund to the Capital Infrastructure Fund, Fund 702.

Mr. Rauch stated this is something they have done as a practice from the general fund to the capital infrastructure fund. It is monies paid back as revenue come in to the infrastructure fund throughout the year. It provides them with a pot of money they can use to proceed with infrastructure projects.

Mrs. Franklin motioned to approve Resolution No. 22-R-2745. Mr. Joseph seconded the motion. All were in favor. **Motion carried.**

#### IV) Resolution No. 22-R-2746 – A resolution recognizing Fisher/Nightingale Houses, Inc. "All-American Evening" as a

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**function that promotes the public health, general welfare, and contentment of the citizens of the City of Riverside.**

Mr. Rauch stated this resolution supports a non-profit agency for the benefit of the community. Ms. Lommatzsch stated that the Fisher-Nightingale House annual event, "All-American Evening" will be held on August 13, 2022, in the Dayton Arcade. There are three houses, two at WPAFB, and one is being remodeled. They are like Ronald McDonald Houses only for the military. Discussion was held on the Bronze Sponsorship of \$250.

Ms. Lommatzsch motioned to approve Resolution No. 22-R-2746 with a \$250 sponsorship. Mrs. Franklin seconded the motion. All were in favor. **Motion carried.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS:** Deputy Mayor Denning called Randall Williams to the podium and asked he keep the comments to three minutes. Mr. Williams, 322 Meyer Avenue, stated he has not had a problem living in the community the past 13 years until this past Saturday due to a letter he received on Saturday. He is disabled on a fixed income paying \$2,000 on property tax. The letter indicates he will pay \$4,000 for what he considers unnecessary sidewalk. He understands the curb getting repaved, but he spoke with Mark Tilley who said they might extend the estimate out eight years. If that is true, that means his property taxes will go up \$80/month and he must decide on food or meds. He contests this because he finds the sidewalk repair unnecessary. He stated most people in that community are on a fixed income, and they are in a 40-year inflation, 40 years in a pandemic. He understands the road and that the construction people that did the work to lay the water line trashed the road and curb. He feels it unnecessary and unjust for them to bear the cost of the curb and sidewalk at one time. He hopes the council will reconsider and delay the sidewalk for another day until they get through Covid-19 and get straight on their money from inflation; \$4.00/gallon on gas. He asked if the city received any Covid-19 funds for road repair. Mr. Rauch stated they did receive funds; the latest is dedicated, some, to support storm water related infrastructure. Mr. Williams asked when they requested funds, didn't they outline for road repaving and curbs. Mr. Garrett stated there are rules on the Covid-19 money that was distributed; it is focused on dealing with health-related expenses or supporting the medical people. Road improvements are specifically forbidden with Covid-19 funds. Mr. Williams asked council if it was possible for them to rethink assessing this. If people get an estimate from another contractor, which would probably be about a quarter to half of the city's estimate, they will still have to pay it upfront. There aren't too many people in Riverside that can just come up with \$2,500, so he asked them to rethink that to possibly delay unnecessary sidewalk repair and get that when they get through Covid-19, but do the curbs on the repaving.

Deputy Mayor Denning invited Mr. Curt Webb to the podium and asked him to keep his comments to three minutes. Mr. Webb, 5444 Splitrock Drive, stated he wished to make a case to ban fireworks in Riverside. He recited ORC Section 3743 regarding consumer grade fireworks or 1.4g fireworks, which include mortars, rockets, firecrackers, Roman candles, and artillery shells, which are dangerous fireworks that frighten children, pets, and adults. Exceptions to the law are for licensed exhibitors at approved exhibitions approved by the city. The current law protects the community from the risk of bodily injury, property damage,



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and disruption of peace and tranquility. HB 172 effective July 1, 2022, makes changes to the current law. It allows Ohioans to possess and discharge consumer grade fireworks on private property on and around eight different holidays for a total of 21 days in a given year. He stated on the Fourth of July, it will be legal to set off fireworks on July 3, 4, and 5, as well as the Friday, Saturday, and Sunday before and after. That is a total of nine days, greatly increasing the community's exposure to fireworks. HB 172, however, allows municipalities to restrict the dates, days and times fireworks can be set off and can ban fireworks all together. He stated that the City of Dayton passed an ordinance December 29, 2021 to ban all fireworks. He recommends they pass a similar ordinance to ban all consumer grade fireworks as it will provide deterrents and be an enforcement tool to be used as needed in dealing with violations. The enforcement burden on the police would be no greater than under the current law.

Mr. Joseph stated that bringing something to a future work session would be appropriate. They can have a more in-depth discussion with Chief Stitzel. Ms. Lommatzsch stated she could support that. Mrs. Franklin stated he is addressing the commercial grade fireworks and not sparklers. Mr. Webb stated it was consumer grade or 1.4g fireworks as the Department of Transportation calls them. The 1.3g fireworks can only be set off by licensed professionals. It is the ones that are sold by a fireworks retailer to anyone 18 years or older. It is consumer grade. Discussion was held on the current law of being able to purchase but not set off. Mr. Webb stated they can be sold to anyone 18 years or older, but they must sign a waiver that they will take them out of state within 48 hours.

Mr. Rauch stated he could prep something for a work session and provide an overview of the current law, examine the Dayton ordinance, and review potential options.

Deputy Mayor Denning invited Mr. Bryan Holmes to the podium. Mr. Holmes, 328/332 Meyer, asked if all the curbs being replaced had all the sidewalks and aprons being replaced and if that is up to somebody's judgment of how they are. Ms. Bartlett stated just the curbs on Lynnhaven and Meyer as they will be using a curb machine, which doesn't allow stopping and starting. Mr. Holmes asked if it was all the aprons and all the sidewalks. Ms. Bartlett replied no. He asked who makes the decision and how does he arbitrate with that person on his apron and sidewalk. She stated he can call in and speak to Mark Tilley, Engineering Technician, and he can come out and point out why the apron and sidewalk was selected. He asked if in the end someone would have new sidewalk and apron, but next door it could be 30- to 40-year-old sidewalk and apron. Ms. Bartlett replied it is only if it interferes with the roadway paving. That is the defining decision as to how they selected which aprons need replaced. He stated he looks at his sidewalk and it looks good to him. Ms. Bartlett stated a lot of sidewalk in that area has been buckled by trees and that has been marked in the field. Also, if there is a trip hazard that has to be fixed. Mr. Holmes stated he had that, but does he fix two blocks or the whole sidewalk. Ms. Bartlett stated sometimes it has to go further out than the two blocks. He stated he understood that, but the rest of his sidewalk is fine. She stated it doesn't sound like he has to fix the rest of the sidewalk, but he needs to call into the office. Ms. Lommatzsch added that she had a neighbor that had a buckled sidewalk and someone tripped and sued the homeowner so it is to his advantage to fix the sidewalk. Mr. Holmes stated he understood the sidewalk issue. He added that the letter only gave them two

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months' notice for them to have concrete poured through their contractor. That would be February or March, and it takes concrete 72 hours to cure. It can crack or expand when water gets in it and falls below 32 degrees. He asked why someone wants them to have this done in two months of winter. Mr. Rauch stated when they were in budget discussions last year, they were unsure if they would be able to do these projects at all. He didn't want to put people on the hook for so much money and then have the project just go away. He stated he will get with Ms. Bartlett and see if there is a way to work on accommodating a longer time line though he is not sure if they can work with a contractor to extend that so that when the weather is potentially warmer. The curb is one thing as that is one shot, but for other items, he understands the concern and he will review that and see what they can do.

Deputy Mayor Denning asked Mr. Garrett if they assess it, then they must pay the contractor up front and that is why it had to be worked into the budget. The city is essentially fronting the money and the homeowner pays the city back over time to get the sidewalks and aprons done. Mr. Garrett replied that was correct.

Mrs. Franklin asked what the start date of the project was. Ms. Bartlett stated they are receiving bids February 10, and they expect to sign contracts in late March, so the contractor can start any time after that. Mr. Maxfield asked if they could talk to the contractor to push back the date a little bit. Ms. Bartlett stated they can talk to the contractor, but once the contract is signed the plans are stated there are so many days. Deputy Mayor Denning stated that they need to get the aprons done prior to the asphalt going down. Ms. Bartlett stated that typically does all concrete work and wait until it warms up to do the asphalt. It is a lot of concrete work. It is too confusing to have multiple contractors out in the same neighborhood. They have to count and measure and they can't keep track of who is doing what. Mr. Rauch stated he and she will talk to determine the timing of everything that will work so they can tell the contractor when folks will be doing their aprons. Mr. Joseph stated he would like to hear an update from that in a couple of weeks.

**COUNCIL MEMBER COMMENTS:** Ms. Lommatzsch stated she shared her concerns with the city manager, but feels she should share with the public regarding the billing of trash. She has concerns as she was not given her senior discount nor the 4% decrease in bill for paying for the year. She stated the city manager is going to contact Republic. Republic is now sending out a lot of bills for \$1.80 or \$1.30 where residents have to mail another check or have another withdrawal. She wants to let the citizens know they are addressing the issue with Republic. There is a certain level of accountability and performance that is expected of a contract that the city signed, and she feels they are not getting the best for their money. There have been service issues, but her experience in the last two weeks has been unfortunate. She feels in this day and age how service can be rendered computer-wise, citizens should not have to worried about this and they aren't getting a fair shake. She was also told they don't roll over senior discounts, which she feels is just crazy in a technological world; you have to call and tell them every year if you are a senior. She wrote it on her bill she was a senior and pays for the year to get the 4% discount, and the person she spoke to on the phone said they do not read those. She wanted to let residents know. Mr. Rauch stated they did get in touch with the municipal service manager of Republic and have scheduled a meeting for next Friday.



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Riverside, CA

Mr. Joseph stated the White House is sending out free Covid-19 tests. Residents can go to [www.Covidtest.gov](http://www.Covidtest.gov) where residents can order up to four per household. If assistance is needed to order, call the Dayton-Montgomery County Public Health Covid-19 hotline, 937.225.6217. Ms. Lommatzsch added it is easy to do.

Mrs. Franklin stated since it is tax season with the city tax increase, if that is taken out of the paycheck, citizens may want to check with their HR departments to make sure the correct amount is taken out, else there may be a bill at the end of the year.

Deputy Mayor Denning stated in winter they get snow now and then and asked the community to help out neighbors who need help shoveling sidewalks. They need to help each other as a community. He also advised citizens to shovel out their fire hydrants as it may save their home. They may not get snow like other parts of the United States, but with as cold as it has been, try to check on neighbors to make sure they have heat. He added that if it snows, they should try to get cars off the street as it helps the service department as they come down the roads.

**EXECUTIVE SESSION:** Mrs. Franklin motioned to go into Executive Session for the following reason: Personnel - Section 103.01 (4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees and officials of the City concerning their compensation or other terms and conditions of their employment. Mr. Maxfield seconded the motion. Roll call went as follows: Mrs. Franklin, yes; Mr. Maxfield, yes; Mr. Denning, yes; Mr. Joseph, yes; and Ms. Lommatzsch, yes. **Motion carried.** Council went into Executive Session at 6:56 pm.

**RECONVENE:** Council reconvened at 7:25 pm.

**ADJOURNMENT:** Mr. Maxfield motioned to adjourn. Mrs. Franklin seconded. All were in favor; none opposed. The meeting adjourned at 7:26 pm.



Peter J. Williams, Mayor



Clerk of Council